

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

-----X

DONNESIA BROWN,

Plaintiff,

-against-

Index No.:

9:17-cv-1036(MAD)/ATV

STATE OF NEW YORK, NEW YORK STATE DEPARTMENT
of CORRECTIONS AND COMMUNITY SUPERVISION,
NEW YORK STATE CORRECTIONS OFFICER MATTHEW
CORNELL,

Defendants.

-----X

28 Liberty Street
New York, New York
January 3, 2020
10:55 A.M.

DEPOSITION of LIEUTENANT STEVEN
PYKE, Via Skype, a Non-Party Witness herein,
taken by Plaintiff, pursuant to Notice, held
at the above-noted place and time, before a
Notary Public of the State of New York.

1
2 A P P E A R A N C E S:

3
4 RUBENSTEIN & RYNECKI, ESQS.
Attorneys for Plaintiff
5 16 Court Street
Brooklyn, New York 11241
6

7 BY: RICHARD LEVY, ESQ.
8
9

10 THE OFFICE OF THE ATTORNEY GENERAL
LETITIA JAMES
Attorney for Defendants
11 300 South State Street
Syracuse, New York 13202
12

13 BY: AIMEE COWAN, ESQ.
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S T I P U L A T I O N S

IT IS HEREBY STIPULATED AND AGREED by
and between the attorneys for the respective
parties herein, that the sealing and filing of
the within deposition be waived.

IT IS FURTHER STIPULATED AND AGREED
that such deposition may be signed and sworn
to before any officer authorized to administer
an oath, with the same force and effect as if
signed and sworn to before the officer before
whom said deposition is taken.

IT IS FURTHER STIPULATED AND AGREED
that all objections, except as to form, are
reserved to the time of trial.

1
2 L I E U T E N A N T S T E V E N P Y K E,
3 a Non-Party Witness herein, having
4 first duly sworn by Judy Colangeli,
5 a Notary Public of the State of
6 New York, was examined and
7 testified as follows:

8 THE REPORTER: State your name for
9 the record.

10 THE WITNESS: Lieutenant Steven Pyke.

11 THE REPORTER: State your business
12 address for the record.

13 THE WITNESS: Marcy Correctional
14 Facility, 9000 Old River Road, Marcy,
15 New York 13403.

16 EXAMINATION BY

17 MR. LEVY:

18 Q Good morning, Lieutenant Pyke.

19 A Good morning.

20 Q My name is Richard Levy. I am from
21 the law firm of Rubenstein & Rynecki.

22 I am going to be asking you some
23 questions in this proceeding called a deposition.

24 Before we begin, I will go over a few
25 basic ground rules so everything goes smoothly.

1 Lieutenant Steven Pyke

2 If, at any time, you don't understand
3 a question that I am asking or you would like me to
4 rephrase it another way, I will be happy to do so.

5 If you answer a question, it will be
6 assumed you understood the question.

7 If you would like to take a break for
8 any reason, let us know, and we'll be happy to
9 accommodate that.

10 I ask that you don't ask to take a
11 break if I have asked you a question and you
12 haven't given an answer to it yet.

13 Keep all of your responses verbal so
14 the reporter can take down everything that is being
15 said. She can't take down nodding of your head,
16 gesturing, pointing, indicating; everything has to
17 be said verbally. We have to make a clear record
18 of the questions and of the answers, and the
19 reporter can't take down two people speaking at the
20 same time.

21 Wait until I ask a full question and
22 I will wait for you to give your answer before I
23 ask my next question.

24 Do you understand those instructions?

25 A Yes.

1 Lieutenant Steven Pyke

2 Q Are you presently an employee of the
3 New York State Department of Corrections?

4 A Yes.

5 Q Your current assignment is at the
6 Marcy Correctional Facility?

7 A Yes.

8 MR. LEVY: Before we go any further,
9 Miss Cowan, should his testimony be
10 required at the time of trial, will you
11 agree to accept a subpoena on his
12 behalf?

13 MS. COWAN: Sure.

14 MR. LEVY: Thank you.

15 MS. COWAN: If he's still employed by
16 the Department of Corrections.

17 MR. LEVY: Understood.

18 Q Lieutenant Pyke, how old are you?

19 A Me, I am 44.

20 Q What's your highest level of
21 education?

22 A Some college.

23 Q When did you last have any college?

24 A 1996.

25 Q Do you have any military experience?

1 Lieutenant Steven Pyke

2 A No.

3 Q When did you first start working for
4 the State of New York in the Department of
5 Corrections?

6 A April 12, 1999.

7 Q At that time, did you enter into an
8 academy or some sort of training program?

9 A Yes. I went to the Albany training
10 academy.

11 Q How long of a program is that?

12 A At the time, I believe it was seven
13 weeks.

14 Q What sort of things are you trained
15 in, instructions that you are given?

16 A They train you in some correctional
17 law, they train you on some defensive tactics, you
18 do some physical fitness type sort of paramilitary,
19 report writing, chemical agents, firearms.

20 That's about it.

21 Q That seven-week training, is that a
22 requirement for all Department of Corrections
23 workers?

24 A That are considered officers, peace
25 officers.

1 Lieutenant Steven Pyke

2 Q Could you briefly go through your
3 employment history with the Department of
4 Corrections, where your first assignment was up to
5 the present time?

6 A Sure.

7 After I graduated from the academy, I
8 went to Auburn for two weeks of training.

9 Then I was assigned to Green Haven
10 Correctional Facility. I was there for
11 approximately nine months.

12 Then I transferred back to Auburn
13 Correctional Facility. I worked there as an
14 officer up to May of 2015 when I was promoted to
15 sergeant.

16 They sent me up to Bare Hill
17 Correctional Facility, which is in Malone,
18 New York. I was there approximately a month, and I
19 transferred back to Auburn.

20 I worked as a sergeant at Auburn from
21 when I got back until October 8 of 2018, then I was
22 transferred to Marcy Correctional Facility and was
23 promoted to lieutenant, and that's where I work
24 currently.

25 Q In order to become a sergeant, do you

1 Lieutenant Steven Pyke

2 have to any take any kind of a test, a performance
3 evaluation?

4 A It's a civil service promotional exam.

5 Q How many times did you take that
6 exam?

7 A Three times total.

8 Q When exactly was it when you became a
9 sergeant?

10 A I believe it was May 2015 or 2014.

11 MS. COWAN: If you recall.

12 A It was 2015 or 2014, I apologize.

13 Q In order to become a lieutenant,
14 similarly, you have to take a civil service exam?

15 A Yes.

16 Q How many times did you take that exam?

17 A Just one time.

18 Q You have been a lieutenant since
19 October of 2018?

20 A '18, yes.

21 Q Can you just go over a few of the
22 basic functions of a correctional officer?

23 A It's basically, in a nutshell, care,
24 custody and control of the inmate population.

25 Q Can you detail that?

1 Lieutenant Steven Pyke

2 A You want me to elaborate?

3 Q A little bit.

4 A The daily runnings of a correctional
5 facility, the officers are a necessity for the
6 running of the facility. They take counts of the
7 inmates; the inmates in and out of their cells,
8 direct them to chow, school, recreation.

9 They are empowered to write
10 misbehavior reports for the actions that the
11 inmates may take.

12 In those actions, which are sometimes
13 violent, they have to use force. That's basically
14 it in a nutshell of what they do.

15 Q How about if an officer is going to
16 frisk an inmate, is there a procedure for that?

17 A An officer can frisk an inmate at any
18 time. They do need authorization for certain
19 things like a self frisk; that is not random.

20 Strip frisking an inmate, they need
21 authorization, things of that nature.

22 Q Who would the authorization come
23 from?

24 A The sergeant would determine probable
25 cause for certain things like strip frisks, self

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1 Lieutenant Steven Pyke
2 frisks. Usually you get authorizations for a
3 non-ordinary, to search someone's cell for tips,
4 things like that.

5 The Captain's office gets tips,
6 sometimes we get notes from other inmates, things
7 of that nature, and we'll proceed with the
8 investigation, and go on that route.

9 Q Can you state for the record what is
10 meant by a self frisk?

11 A Self frisks, self search, they go in
12 and go through the inmate's belongings looking for
13 contraband.

14 Q Are there times where the self frisk
15 is done at random?

16 A Yes.

17 Albany just generates a random list
18 that officers have to conduct daily.

19 Q There are times where self frisk is
20 based you on probable cause?

21 A Probable cause, suspicion.

22 Q In terms of strip frisk, that has to
23 be authorized; correct?

24 A An officer has to be authorized to do
25 a strip frisk, yes.

1 Lieutenant Steven Pyke

2 Q Are there protocols or procedures
3 that are to be followed before a strip frisk is
4 done?

5 A Absolutely.

6 Q Can you state what those are?

7 A Can you rephrase the question real
8 quick so I can understand it?

9 Q Sure.

10 Are there certain protocols or
11 procedures that must be adhered to when conducting
12 a strip frisk?

13 A Okay. Yes.

14 A strip frisk has to be done in an
15 area that's comfortable in temperature. It's
16 accommodating to the fact of the inmate's privacy,
17 for he's going to be getting naked, so for his
18 comfort level and privacy.

19 We'll get some information usually
20 from a pat frisk stating that they felt an unknown
21 object or they, during the pat frisk, they felt
22 something somewhere that would require further
23 investigation or a strip frisk to find out what
24 that may be.

25 Q I'd like to talk about Auburn

1 Lieutenant Steven Pyke
2 Correctional Facility.

3 A Okay.

4 Q How many inmates does Auburn hold?

5 A I believe it's somewhere in between
6 fifteen and sixteen hundred.

7 Q You have worked both as an officer at
8 Auburn as well as a sergeant; is that correct?

9 A Correct.

10 Q How is Auburn set up in terms of cell
11 blocks?

12 A I would say it's kind of in a block
13 pattern, like a square pattern. It starts off, if
14 you're looking into the yard, you have E-Block,
15 then A-Block, then B-Block.

16 On the other side, you have D-Block
17 and C-Block.

18 Q Are there blocks that are bigger than
19 others?

20 A Yes.

21 Q Can you describe that?

22 A A-Block is the biggest block in the
23 facility. I don't know the exact numbers.

24 C and D are similar in size.

25 B-Block and E-Block are smaller in

1 Lieutenant Steven Pyke

2 size.

3 Q In January of 2016, who was the
4 superintendent of Auburn Correctional Facility?

5 A I believe it was Harold Graham.

6 Q As of January of 2016, you were
7 working as a sergeant at Auburn Correctional
8 facility?

9 A Correct.

10 Q Did you work a particular tour or a
11 time of day?

12 A Yes. But I am not really sure. I
13 switch from afternoons to days. I am not sure of
14 the exact time I switched. But yes, I did work
15 separate tours. I did work specific tours at
16 certain times.

17 Q Can you state what the different
18 tours' time frames are?

19 A Sure.

20 Well, when I was on afternoons, you
21 would like to know what jobs I had?

22 Q Yes.

23 A Afternoons, I had a job which
24 consisted as a relief. I worked two days in SHU.
25 I had two days of A and E-Block, one day of C- and

1 Lieutenant Steven Pyke

2 D-Blocks. That was my afternoon job.

3 When I did switch to days, I had two
4 days D-Block, two days charts, one day
5 miscellaneous. They could put me anywhere they
6 needed me.

7 Q What time of day is the day tour?

8 A The day tour is -- the majority, it's
9 seven to three. 7 a.m. to 3 p.m.

10 Q What time of day is the afternoon
11 tour?

12 A Three p.m. to 11 p.m.

13 Q Is there any type of record that is
14 kept that would indicate what tour you were working
15 on any given day?

16 A Yes.

17 Q What is that?

18 A It would definitely be in the watch
19 commander logbook.

20 At that time, logbooks in the block,
21 they dictate who is the on-site supervisor for that
22 area. That would be about it.

23 Q As of January of 2016, did you know a
24 correction officer at Auburn Correctional Facility
25 named Matthew Cornell?

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1 Lieutenant Steven Pyke

2 A Yes.

3 Q How long, as of that time, had you
4 known Matthew Cornell?

5 A I knew him from when I got back as a
6 sergeant. I didn't know him to that point.

7 Q So either May of '14 or May of '15?

8 A Right. When I came back as a
9 supervisor at Auburn, yes.

10 Q Were you aware of where Officer
11 Cornell worked at Auburn in January of 2016?

12 A Yes.

13 Q Where?

14 A He worked as a yard officer on the
15 afternoon shift.

16 Q What are the job responsibilities of
17 a yard officer?

18 A They patrol the yard when
19 recreational is out, they do duties for the mess
20 hall runs when it's coverage for the mess hall or
21 one of the galleries run from the chow and such.

22 They may have to count depending on
23 which job they have, or whatever extra supervisor
24 deems what they need to do as directed.

25 Q Can you state for the record what is

1 Lieutenant Steven Pyke

2 meant by the count?

3 A They do on afternoons, on his tour,
4 there's a mandatory count at 5 p.m., and I think it
5 was a 10:30, 11:00 count.

6 Q P.M.?

7 A P.M.

8 Q There would be two counts during the
9 day?

10 A No. This is the afternoon shift.

11 Q Were there counts during the day
12 shift as well?

13 A Yes.

14 Q What times were they conducted?

15 A Seven a.m. They start at 11:00
16 count. I am not sure if it was at that time, and
17 that's it for the day shift.

18 Q Did the different blocks have
19 different times scheduled to be in the yard?

20 A Yes.

21 Q Do you know what those times were?

22 A They rotate on a daily basis. They
23 split the yard schedule between the main yard and
24 the south yard just to limit the number of inmates
25 that come out at any given time.

1 Lieutenant Steven Pyke

2 I can't speak for who had yard what
3 day at that time, but they do split it up. If
4 C- and D-Blocks have yard, they would be in the
5 separate yards.

6 If A-, B- and E-Block had yard, B and
7 E in one block, and "A" yard would be in the other
8 block.

9 Q It's a rotating schedule; in other
10 words, D-Block wouldn't necessarily be in the yard
11 at a certain time every day?

12 A Correct.

13 Q Do you know approximately how many
14 inmates were on D-Block?

15 MS. COWAN: In 2016?

16 MR. LEVY: Yes.

17 In January 2016.

18 MS. COWAN: If you know.

19 A I couldn't give you a definite
20 number.

21 Q Can you give me an approximation?

22 A In C-Block, you're saying?

23 Q D.

24 A D-Block?

25 Q Yes.

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1 Lieutenant Steven Pyke

2 A I am trying to remember now. Three
3 hundred-ish.

4 Q During an afternoon tour, how many
5 officers are assigned to D-Block?

6 A On the afternoon tour, you have three
7 officers; you have a first officer, a second
8 officer and a third officer that run the block.

9 When it's time for counts, mess hall
10 runs and yard runs, extra staff comes in to help
11 with those.

12 Q How many extra staff?

13 A For counts, there's one per gallery.
14 On yard runs -- go ahead.

15 Q How many galleries are there in
16 D-Block?

17 A D-Block, there are seven galleries
18 along with D-8 company, which is a depot gallery.

19 Q You were saying for mess hall runs,
20 there are additional staff?

21 A Yes.

22 Q At what time would that be, mess hall
23 runs?

24 A Mess hall runs are usually about a
25 half an hour, after the 5:00 count, so 5:30ish.

1 Lieutenant Steven Pyke

2 Q What time is lunchtime?

3 A Lunch is about 11:30 in the morning.

4 Q For the afternoon shift, how many

5 sergeants will there be assigned to the D-Block?

6 A Just one.

7 Q One?

8 A Yes. He's also covering C-Block, the

9 hospital, the infirmary.

10 Q If you were the sergeant on the

11 afternoon shift, you could be assigned to covering

12 D-Block, C-Block as well as the infirmary area?

13 A Yes. That's part of the job.

14 Q When you were working in an afternoon

15 shift as a sergeant, who was your supervising

16 officer?

17 A That would be the afternoon watch

18 commander.

19 Q Would that be a lieutenant?

20 A Yes.

21 Q In January of 2016, do you know who

22 your watch commander was?

23 A I can't recall.

24 Q Do you recall working with a

25 Lieutenant Quinn?

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1 Lieutenant Steven Pyke

2 A Yes.

3 Q Do you know Lieutenant Quinn's first
4 name?

5 A I believe it's Tim.

6 Q Supervising the lieutenant, who would
7 that be?

8 A On the afternoon shift, you're
9 talking about?

10 Q Yes.

11 A On the afternoon shift, he's the
12 highest ranking person in the building at the time
13 or in the facility at the time, and he makes phone
14 calls to others if he needs direction.

15 Q Others like the superintendent?

16 A The superintendent, captains, higher
17 ranking than them.

18 Q When a strip frisk is performed by an
19 officer, would the officer wear gloves?

20 A Not necessarily. Some do; some
21 don't.

22 Q Is the choice up to the officer?

23 A Yes.

24 Q Prior to January of 2016, were you
25 aware of or did you know an inmate at Auburn by the

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1 Lieutenant Steven Pyke

2 name of Donnesia Brown?

3 A No.

4 Q Is it fair to say that on occasion at
5 Auburn Correctional Facility there will be fights
6 among inmates?

7 A Yes.

8 Q In January of 2016, were you aware of
9 any fight that involved an inmate named Donnesia
10 Brown?

11 A Not to my knowledge.

12 Q Are officers at Auburn Correctional
13 Facility afforded the use of a locker?

14 A Yes.

15 Q Where are the lockers located?

16 A In the administration building.

17 Q In relation to the cell blocks, where
18 is the administration building?

19 A It's in the front of the facility.

20 Q Is it closer to any one of the cell
21 blocks?

22 A No. It's in general relation to all
23 of them.

24 Q As an officer at Auburn, are you
25 afforded the use of any type of equipment?

1 Lieutenant Steven Pyke

2 A Yes.

3 Q Can you describe the equipment that
4 an officer had to carry on their person?

5 A Yes.

6 They have keys to work their daily
7 duties, they're afforded a baton. In the past few
8 years, OC pepper spray for certain posts. I think
9 that's about it.

10 Handcuffs, if need be, if it's in the
11 scope of what duties they have. I think that's
12 about it.

13 Q Do they have any kind of handcuffs or
14 any kind of restraints?

15 A They were carrying restraints
16 depending on what job they have for that day.

17 Q Do they carry gloves?

18 A If they choose to.

19 Q Are any officers at Auburn authorized
20 to carry a firearm?

21 A Only in the tours and the sally ports.

22 Q You mentioned an area at Auburn
23 called the SHU?

24 A It's a special housing unit used to
25 detain people that can't follow direction, get into

1 Lieutenant Steven Pyke
2 serious instances, things of that nature.

3 Q Would it be fair to say it's a
4 disciplinary unit?

5 A Yes.

6 Q On the D-Block, are the inmates
7 housed in a cell with any other inmates?

8 A No double bunk. They took those down
9 quite a few years back.

10 Q As of January of 2016, an inmate
11 would be housed by themselves in a cell?

12 A Yes.

13 Q On January 21, 2016, do you have any
14 independent recollection of a search of an inmate
15 being performed by Officer Matthew Cornell that you
16 authorized?

17 A I worked with Cornell on several
18 incidents. I would like not to say I remember one
19 over the other.

20 Q Before coming here today, did you
21 review any paperwork associated with the reason why
22 you are testifying here today?

23 A Just my paperwork.

24 Q After you read it, did it refresh
25 your recollection as to the incident contained

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1 Lieutenant Steven Pyke
2 within your report?

3 A I hate to say yes, but somewhat.
4 Somewhat. You know, these things happen.

5 Q I guess what I am asking is, I am
6 assuming you read your statement as it pertains to
7 a search conducted by Matthew Cornell of Inmate
8 Donnesia Brown on January 21, 2016; correct?

9 A Yes.

10 Q After you read your statement, did it
11 refresh your recollection of the events contained
12 within the report?

13 A Within that report, yes.

14 MS. COWAN: So we are talking about a
15 memo dated January 21, 2016 from
16 Sergeant Pyke to Lieutenant Quinn.

17 MR. LEVY: Correct.

18 I believe we have it marked Brown
19 vs. Cornell, it's Bates stamped 000170.

20 Do you have that?

21 MS. COWAN: Yes.

22 Q Specifically, Lieutenant Pyke, that's
23 the memorandum that you reviewed earlier?

24 A Yes.

25 Q Other than this memorandum, did you

1 Lieutenant Steven Pyke
2 look at any other paperwork related to these
3 events?

4 A No.

5 MS. COWAN: It is 11:30, do you need
6 to feed your meter?

7 I don't want you to get a ticket.

8 THE WITNESS: How much longer do you
9 think you will be?

10 MR. LEVY: Feed your meter.

11 (Whereupon, a recess is taken.)

12 MR. LEVY: Back on the record.

13 Q We were just talking about a
14 memorandum that was submitted by you, Sergeant
15 Steven Pyke, and it's dated January 21, 2016;
16 correct?

17 A Correct.

18 Q Who were you writing this to?

19 A This is to Lieutenant Quinn. He
20 would have been the watch commander at that time.

21 Q What is the reason you were writing
22 this report?

23 A This summarizes the incident of this
24 weapon being found.

25 Q Where it says on the memorandum,

1 Lieutenant Steven Pyke
2 there's a line that says, "Subject:" Do you see
3 that line, and it says, "U.I. #"?
4 A Yes.
5 Q Do you know what that means?
6 A Yes.
7 Q What is that?
8 A That's Unusual Incident, and the
9 number after that would be the incident number for
10 that year. So 2016, it was the 23rd unit incident
11 of that year.
12 Q This is a report that is required to
13 be done under what circumstances?
14 A This is being done as part of an
15 unusual incident that is set up for the policy of
16 the department.
17 Q If an officer conducts a pat frisk
18 and finds contraband on an inmate, is a report like
19 this by the sergeant required to be done?
20 A It depends on the contraband.
21 Q When a strip frisk is done, is a
22 report like this to be done?
23 A Only if a serious contraband is
24 found.
25 Q If a self frisk is done, is a report

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1 Lieutenant Steven Pyke

2 like this required?

3 A Only if serious contraband is found.

4 Q Could you please read your memorandum
5 into the record?

6 A "On the above date and approximately
7 3:30 p.m. I ordered Officer M. Cornell to perform a
8 self frisk of Inmate Brown D. 11A-4897 who locked
9 in D-4-37 cell. Officer Cornell ordered Brown out
10 of his cell and submit to a pat frisk. During the
11 pat frisk Officer Cornell felt an unknown object in
12 Brown's buttocks area. At that point I authorized
13 Officer Cornell to perform a strip frisk of Brown
14 in D-Block 4 and 5 center room. During the strip
15 frisk Brown voluntarily surrendered an ice pick
16 type weapon from between his buttocks. The
17 remainder of the strip frisk was conducted with no
18 further contraband found. Brown was placed in
19 mechanical wrist restraints and per your direction
20 was escorted to SHU-D by Officer G. Steinberg and
21 myself. Brown was processed in SHU-D where he
22 failed three triggers on the 3152 mental health
23 screening form and was admitted to MHU isolation
24 room 6.

25 "The weapon measures 8 inches x 1/2

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1 Lieutenant Steven Pyke
2 inch fashioned from a toothbrush sharpened to a
3 fine point at one end with the other end having a
4 cloth handle. Pictures were taken of the weapon
5 then it was bagged and placed in the evidence drop
6 box per directive 4910A. All other supporting
7 documentation has been filled out and filed.

8 "Respectfully submitted, S. Pyke
9 Sergeant."

10 And that is my signature.

11 Q Do you know what led to the self
12 frisk of Inmate Brown?

13 A I can't speak for it positively, but
14 I hate to even assume, but we do get tips all the
15 time and confidential information, and we do an
16 investigation and act on those.

17 Q Do you know if Brown's cell was
18 frisked prior to the pat frisk?

19 A I am reading this the way this
20 happened. I am going to say it was frisked after
21 the fact.

22 Q Can you describe the procedure for a
23 self frisk?

24 A Sure.

25 An officer will go in, they will go

1 Lieutenant Steven Pyke
2 through all the inmate's belongings, check under
3 the bed, check under all the stuff, go through all
4 the property just to find contraband.
5 Q Is that done just by the officer?
6 A Officer or officers, depending.
7 Q An officer conducts a self frisk by
8 himself?
9 A He can conduct a self frisk by
10 himself.
11 Q Will the inmate be monitored or
12 watched by another officer outside of his cell?
13 A Yes. As long as it's not a security
14 risk.
15 Q Do you recall observing the strip
16 frisk conducted by Officer Cornell on Inmate Brown?
17 A Not specifically.
18 Q Other than reading what you wrote in
19 your report, do you recall Officer Cornell
20 obtaining an ice pick type weapon from Inmate Brown
21 on January 21, 2016?
22 A Not specifically.
23 Q Do you recall on January 21, 2016
24 Inmate Brown surrendering an ice pick weapon that
25 was between his buttocks to Officer Cornell?

1 Lieutenant Steven Pyke

2 A Not specifically.

3 Q The D-Block 4 and 5 center room, can
4 you describe where that is on D-Block?

5 A Sure.

6 When you go up the stairs in the
7 block, there are galleries of desks on both sides.
8 In between those are the center rooms. You refer
9 to them as the center rooms. These rooms are
10 basically entrances to the catwalk which goes down
11 to all the power and plumbing in the facility, but
12 officers will use that as a place to sit while
13 they're waiting to run yard or mess hall or things
14 of that nature. It's also a private area where we
15 can put someone down and strip frisk an inmate if
16 necessary.

17 Q Is there a door to the D-Block 4 and
18 5 center room?

19 A Yes.

20 Q Other than Officer Cornell and Inmate
21 Brown, do you recall being inside the D-Block 4 and
22 5 center room at the time this search was commenced?

23 A I can't recall specifically, but I
24 would have been in there if there was a strip frisk
25 going on in my area.

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1 Lieutenant Steven Pyke

2 Q Do you know whether or not there were
3 any other officers present for the strip frisk that
4 is referenced in your January 21, 2016 memorandum?

5 A No.

6 Q Is the D-Block 4 and 5 center room
7 the closest one of these types of rooms to Cell
8 D-4-37?

9 A Yes, it would be.

10 Q What level is the D-4-37 cell located on?

11 A That would be the third tier up.

12 That would be the third tier up from the
13 downstairs. It's the top tier of the block.

14 Q I am sorry if I asked you this. I
15 don't remember if I did.

16 Do you know why you ordered Officer
17 Cornell to perform a self frisk on Inmate Brown?

18 A The actual going to Inmate Brown?

19 Q Yes.

20 A I don't know in specifics whether it
21 was confidential information or from the captain's
22 office or a tip of some sort that we were following
23 up on.

24 Q When contraband is found on an
25 inmate, is an officer required to prepare something

1 Lieutenant Steven Pyke
2 called a misbehavior report?

3 A Yes.

4 Q As an officer, have you, in the past,
5 filled out misbehavior reports?

6 A Personally, yes.

7 MR. LEVY: Can he be shown the
8 document that is No. 173.

9 MS. COWAN: Sure.

10 Q Lieutenant Pyke, have you had an
11 opportunity to look at this document, this inmate
12 misbehavior report?

13 A Yes.

14 Q Did you have an opportunity to read it?

15 A I can read through it right now if
16 you like.

17 Q If you could.

18 A (Witness reads document.)

19 Okay.

20 Q Does your signature appear at the
21 bottom of this page?

22 A Yes. I endorsed it, yes.

23 Q There's an area of supervisor
24 endorsement; correct?

25 A Yes.

1 Lieutenant Steven Pyke

2 Q Does the information contained within
3 this inmate misbehavior report correctly state the
4 incident as you observed it that day?

5 A It doesn't specifically say that, but
6 I would have been in the room when this happened
7 for the strip frisk part.

8 Q It's marked 177. It's part of the
9 same disclosure packet.

10 Do you have that, a photograph?

11 A Yes.

12 Q Can you take a look at that,
13 Lieutenant Pyke?

14 A Okay.

15 Q Do you recognize the individual that
16 is photographed on this page?

17 A No.

18 Q You couldn't say one way or another
19 if this person on this page is somebody that you
20 had a problem with as an inmate or if he was a
21 model inmate?

22 A Not specifically, no.

23 Q We can agree, though, that the person
24 shown on this page, according to this document, is
25 identified as an inmate named D. Brown; correct?

1 Lieutenant Steven Pyke

2 A Yes.

3 Q I'd like, if you could, turn the
4 page, it's document No. 178.

5 A Yes.

6 Q This document is entitled:
7 "Contraband/Evidence Photograph Card"; correct?

8 A Correct.

9 Q This item that we see photographed on
10 the page, it's approximately eight inches long, do
11 you recognize ever seeing that item before?

12 A Specifically, no. I have seen a lot
13 of weapons over the years.

14 Q Specifically this one?

15 A Not specifically.

16 Q More specifically, do you recall this
17 January 21, 2016 strip search of Inmate Brown, if
18 this item was specifically recovered?

19 A I can't say one way or the other if
20 this was the one or not just by what our evidence
21 is in the packet here.

22 I never specifically take possession
23 of contraband, you know what I mean.

24 Does that make sense?

25 MR. LEVY: Understood.

1 Lieutenant Steven Pyke

2 Q Do you know what the procedure is
3 once contraband is obtained, what is the procedure
4 then done?

5 A Yes.

6 Q What is done?

7 A It's held on his person for chain of
8 evidence. He will secure it on the person, the
9 officer or officers that find the contraband. It's
10 brought up front and processed. If you need to
11 know that stuff, we photograph it, we place it in
12 evidence bags and it's secured in a dropbox.

13 Q As a sergeant supervising and
14 endorsing the search, do you have any other
15 involvement once your report is done?

16 A With what happens with the inmate?

17 Q Yes.

18 A Other than bringing him to the
19 disciplinary unit, I had no other dealings.

20 Q You wrote in your report that this
21 inmate failed three triggers on the 3152 mental
22 health screening form?

23 A Yes.

24 Q Do you know what that is?

25 A I do.

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1 Lieutenant Steven Pyke

2 Q What is that?

3 A When he is being processed into SHU,
4 the disciplinary unit, the supervisor in that unit
5 will ask him a series of mental health questions.
6 If he answers questions a certain way, that sets
7 triggers where they have to be evaluated by a
8 mental health clinician.

9 Q Were you present for that or you just
10 heard about that afterward?

11 A That all gets related to me and put
12 into reports.

13 Q What is the MHU isolation room 6?

14 A That is in our mental health unit. I
15 believe it's six secured cells that are monitored
16 24 hours a day for mental health issues.

17 Q The cell in which the inmate stays on
18 the D-Block, is that a solitary cell on D-Block
19 where the inmate is housed, he's by himself in that
20 room; correct?

21 A He's by himself in that specific
22 cell, but he's on a row of several other cells.

23 Q And then in SHU, he's housed by
24 himself; correct?

25 A Along a row of other cells as well,

1 Lieutenant Steven Pyke
2 but he's only in his cell by himself.

3 Q Is the MHU isolation room something
4 different?

5 A Yes. It's a separate entity from HSU.

6 Q What differentiates it?

7 A Okay. Mental health observation
8 rooms are not punitive, if that makes sense. It's
9 more for protection from themselves, protecting
10 themselves from themselves or others in that
11 regard.

12 Q The item that was photographed on
13 that page 178 in the contraband/evidence photograph
14 card, did Officer Cornell plant that item on Inmate
15 Brown?

16 A No.

17 Q Why do you say that?

18 A Because I was there the whole time.
19 I would have been there the whole time, and I would
20 have known if there was malfeasance.

21 Q Do you know whether or not Officer
22 Cornell had a significantly higher number of
23 misbehavior reports as opposed to any other officer
24 at Auburn Correctional Facility during the time you
25 worked with him?

1 Lieutenant Steven Pyke

2 MS. COWAN: Objection.

3 Go ahead. You can answer.

4 A I can't speak for how many reports he
5 has written.

6 In the job duties that he performs on
7 a daily basis, he can be subject to having more,
8 how do I say this, more things happen in his area.

9 Q Why is that?

10 A Just specifically for his duties
11 being in the yard, a lot of fights happen out
12 there, a lot of different things, and Officer
13 Cornell was a constant mover; meaning, he didn't
14 like to sit still. He always would be out seeing
15 what is going on, pat frisking guys, keeping guys
16 in check.

17 When I say "guys," I mean inmates.
18 And he did a lot of stuff for supervisors whether
19 it was frisking cells because his job had that
20 latitude.

21 Q Did you ever have any problems with
22 Officer Cornell?

23 A No.

24 Q Are you aware of any disciplinary
25 issues that Officer Cornell had?

1 Lieutenant Steven Pyke

2 MS. COWAN: Objection.

3 Go ahead.

4 A Just from what I heard.

5 Q You were aware at some point that
6 Officer Cornell was suspended from his job?

7 A Yes.

8 Q I am asking you before that occurred,
9 were you aware of any disciplinary problems or
10 issues that Officer Cornell had?

11 MS. COWAN: Objection.

12 Go ahead.

13 A I wasn't aware.

14 Q Do you know what became of the
15 charges against Inmate Brown at Auburn Correctional
16 Facility for possessing this contraband?

17 A I didn't follow up on what charges he
18 received.

19 Q Do you know if he received any
20 outside charges?

21 A Not to my knowledge.

22 Q After Officer Cornell was suspended
23 from his job, did you keep in any kind of contact
24 with him?

25 A No.

1 Lieutenant Steven Pyke

2 Q Were you friendly with Officer
3 Cornell?

4 MS. COWAN: Objection.

5 You can answer, if you can.

6 A At work, we were friendly enough as a
7 work colleague. I never hung out with him out of
8 the workplace.

9 Q That's what I am asking, it's fair to
10 say you have a friendly relationship with
11 coworkers.

12 I am asking if you were friends with
13 him outside of work; were you not?

14 A I wasn't friends with him outside of
15 work, no.

16 Q Do you know whether or not Officer
17 Cornell kept contraband he found in a locker at
18 Auburn?

19 MS. COWAN: Objection.

20 Go ahead.

21 A Not to my knowledge.

22 Q Do you know whether or not a locker
23 with contraband was discovered at Auburn
24 Correctional Facility?

25 A Not to my knowledge.

1 Lieutenant Steven Pyke

2 Q Do you know if Officer Cornell was
3 fired from his job or if he resigned from his job
4 or something else?

5 MS. COWAN: Objection.

6 Go ahead.

7 A From what I know, he was terminated.
8 My knowledge of that was an unsecured baton.

9 Q Just to clarify, it's your
10 understanding that Officer Cornell was terminated
11 from the job from New York State Corrections
12 because he possessed an unsecured baton?

13 A That's to my knowledge.

14 Q I am just going back to the strip
15 search that was conducted by Officer Cornell on
16 January 21, 2016.

17 Do you recall Inmate Brown's clothes
18 being removed in the D-Block 4 and 5 center room?

19 A Not Brown specifically.

20 Q When the clothing is removed from an
21 inmate for conducting a strip search, does the
22 inmate remove his clothes or is it taken off of the
23 inmate?

24 A No. The inmate removes it himself.

25 Q When your report says Brown was

1 Lieutenant Steven Pyke
2 placed in mechanical wrist restraints, what is
3 meant by that?

4 A Handcuffs.

5 Q Specifically, regarding this strip
6 search, do you know whose handcuffs were used?

7 A It could have been mine or it could
8 have been Cornell's.

9 Q You don't have a specific
10 recollection of that?

11 A No.

12 Q This center room that we are talking
13 about, can you approximate the dimensions of that
14 room, it's size?

15 A Maybe eight foot by five foot.

16 Q The door to that room, is there a
17 window in that door?

18 A Let me remember now. Some blocks do
19 and some blocks don't, I think. I can't remember.

20 Q Are there cameras that cover that
21 room?

22 A No.

23 Q Do you recall this Inmate Brown
24 protesting at all when this strip frisk was being
25 performed?

1 Lieutenant Steven Pyke

2 A I can't remember specifically.

3 Q Do you recall anything that may have
4 been said by either Officer Cornell or Inmate Brown
5 during this particular strip search?

6 A I can't recall.

7 Q According to your memorandum, it was
8 Lieutenant Quinn that directed that this Inmate
9 Brown be taken to HSU; correct?

10 A Correct.

11 Q He was escorted there by you and an
12 Officer G. Steinberg according to this report?

13 A Yes.

14 Q Who is that Officer G. Steinberg?

15 A He's another officer that works in
16 the facility.

17 Q Do you know what the "G" stands for?

18 A Gary.

19 Q Do you know if he still works at
20 Auburn?

21 A I believe he's a sergeant; he's been
22 promoted.

23 Q Can you describe Officer Steinberg
24 physically, what he looks like?

25 A A pretty good size fellow. Stout,

1 Lieutenant Steven Pyke
2 stocky, six-two; six-three.

3 Q Is he white?

4 A Yes.

5 Q What's your height?

6 A I am six-two.

7 Q In January of 2016, what did you
8 weigh approximately?

9 A 235.

10 Q How would you describe Officer
11 Cornell's physical appearance?

12 A He's shorter than me. He's slender,
13 dark hair. That's about it.

14 Q Other than you testifying here now
15 and the report that you did associated with this
16 strip frisk, did you give any other statements
17 whether they were sworn or otherwise regarding this
18 particular strip frisk?

19 A Not that I remember.

20 Q If an inmate is found to have
21 contraband, there would be a Tier III hearing;
22 correct?

23 A Yes.

24 Q That would be sort of a trial in the
25 correctional facility?

1 Lieutenant Steven Pyke

2 A Internal causation, yes.

3 Q Do you recall giving testimony at
4 that regarding the strip frisk?

5 A It's possible.

6 Q You may have?

7 A I may have. I don't remember. It's
8 possible.

9 Q Is there anything that you, as a
10 sergeant, are wearing on your uniform that
11 differentiates you being a sergeant from a regular
12 correction officer?

13 A Yes. My shirts are a different
14 color, and I have chevrons on my collar, brass.

15 Q Your shirt would be white?

16 A Yes. White collar.

17 Q And a correction officer's shirt
18 would be blue?

19 A Blue.

20 Q I know you said it was up to the
21 officers who were conducting a strip search to wear
22 gloves or not; correct?

23 A Yes.

24 Q Is there ever any concern by the
25 facility that if contraband is found that the

1 Lieutenant Steven Pyke
2 officer's fingerprints would be on that contraband?

3 MS. COWAN: Objection.

4 A I never heard that concern.

5 Q You recall an inmate at Auburn named
6 Thomas Osborne or Osborne Thomas?

7 A It doesn't sound familiar.

8 Q Are you aware of any allegations that
9 Officer Cornell planted contraband on inmates at
10 Auburn?

11 MS. COWAN: Objection.

12 Go ahead.

13 A I heard the allegations, yes.

14 Q Are you aware of any instances where
15 Officer Cornell planted any evidence on an inmate?

16 A No.

17 Q Do you believe those allegations to
18 be false?

19 A My personal feelings are yes.

20 Q Why?

21 A He always seemed like an outstanding
22 guy to me, always a good staff member, always
23 needed to do what he did, and always did what he
24 was told.

25 Q From the time he was suspended until

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1 Lieutenant Steven Pyke
2 the time he no longer worked at Auburn, did you
3 have any communications with him?

4 A No. Other than to tell him I said
5 hi.

6 Q Did he ever voice any, I guess,
7 concern to you about the allegations against him?

8 A No. I didn't speak to him
9 specifically about any of these allegations.

10 MR. LEVY: I think we are good.

11 Thank you.

12 (Time Noted: 12:30 P.M.)

13

14

LIEUTENANT STEVEN PYKE

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16

17

18 Subscribed and sworn to

19 before me this day

20 of 20 .

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22 NOTARY PUBLIC

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E X H I B I T S

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R E Q U E S T S

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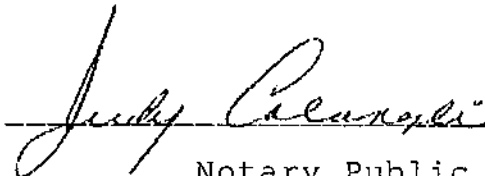
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C E R T I F I C A T E

I, Judy Colangeli, a Shorthand Reporter
and Notary Public of the State of New York, do
hereby certify:

That, Lieutenant Steven Pyke, the
witness whose examination is hereinbefore set
forth, was duly sworn, and that such
examination is a true record of the testimony
given by such witness.

I further certify that I am not related
to any of the parties to this action by blood
or marriage; and that I am in no way interested
in the outcome of this matter.


Notary Public

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CORRECTION / ERRATA SHEET



The Letter of the Law. The Spirit of Service.

_____, being duly sworn, deposes and says: I have reviewed the transcript of my deposition / hearing taken on _____. The following changes are necessary to correct my testimony.

CASE CAPTION:

[illegible]

Sworn to before me this _____

Day of _____

Testimony Deposition / Hearing Witness:

Print: _____

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The Letter of the Law. The Spirit of Service.

U. Steven Pyke, being duly sworn, deposes and says: I have reviewed the transcript of my deposition / hearing taken on January 3, 2020. The following changes are necessary to correct my testimony.

CASE CAPTION:

Page:	Line:	Should read / Corrected Testimony:	Reason for Change
10	19	Scif → cell	Stenographer error
10	25	"	"
11	9	"	"
11	10	"	"
11	11	"	"
11	14	"	"
11	19	"	"
27	25	"	"
28	8	"	"
29	11	"	"
29	23	"	"
30	7	"	"
30	9	"	"
30	17	"	"
23	21	tours → towers	"
38	5	HSU → SHU	"
44	9	"	"

Sworn to before me this 26Day of February 2020

Patricia L. Bartella Whitmore
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Testimony Deposition / Hearing Witness:

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Qualified in Madison County 01BA6205711
My Commission Expires May 11, 2021